



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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February 10, 2022

BY ECF

Hon. Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *S.B. v. New York City Department of Education*, 21-cv-9139 (LGS)

Your Honor:

I am the Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York recently assigned to handle the defense of the above-referenced matter on behalf of Defendant the New York City Department of Education (“DOE”). This action concerns an appeal from an administrative decision that denied Plaintiff’s request for reimbursement related to Plaintiff-student’s attendance at the SUWS Carolinas Wilderness Therapy Program.

I write to respectfully request a 14-day extension of time for Defendant to file its motion in opposition and cross-motion for summary judgment. Counsel for Plaintiff consents to this request, and this is Defendant’s first such request for an extension.

Pursuant to the Court’s Order dated January 3, 2022 (ECF No. 19): (1) Plaintiff’s motion for summary judgment was due to be filed by January 24, 2022; (2) Defendant’s opposition and cross-motion for summary judgment is due to be filed by February 14, 2022; (3) Plaintiff’s reply and opposition to Defendant’s cross-motion is due to be filed by February 28, 2022; and (4) Defendant’s reply in support of the cross-motion is due to be filed by March 14, 2022. On January 24 and 25, 2022, Plaintiff filed her motion for summary judgment. (*See* ECF Nos. 24-27).

The reason for the requested enlargement is due to professional obligations in this and other matters, including motion practice, discovery obligations, and newly-assigned supervisory responsibilities. As the attorney recently assigned to handle this matter, the extension of time will enable me to finalize my review of the lengthy underlying administrative record, of Plaintiff’s motion papers, and to finalize the draft of Defendant’s motion papers.

Accordingly, Defendant respectfully requests that the Court grant a 14-day extension of time, until February 28, 2022, to file its motion in opposition and cross-motion for summary

judgment. Defendant also respectfully requests a corresponding adjournment of the remaining deadlines in the briefing schedule, as follows:

- Defendant's motion in opposition and cross-motion for summary judgment due by February 28, 2022;
- Plaintiff's reply and motion in opposition due by March 14, 2022; and
- Defendant's reply due by March 28, 2022.

Thank you for your consideration of this request.

Respectfully submitted,

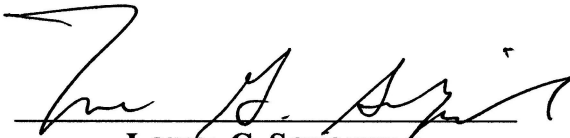
/s/

Philip S. Frank
Assistant Corporation Counsel

cc: **By ECF**
Noelle Boostani, Of Counsel
The Law Office of Noelle Boostani
Counsel for the Plaintiff, via ECF

The application for an extension is **GRANTED**. By **February 28, 2022**, Defendant shall file its opposition and cross-motion for summary judgment. By **March 14, 2022**, Plaintiff shall file any reply and opposition. By **March 28, 2022**, Defendant shall file its reply. The Clerk of Court is respectfully directed to close the motion at Docket No. 28.

Dated: February 11, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE